

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTIN JAY AFTER BUFFALO,

Defendant.

CR 13-52-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on December 12, 2016. Defendant admitted that he had violated the conditions of his supervised release by failing to report to his probation officer as directed, by failing to notify his probation officer prior to a change in residence, and by failing to participate in substance abuse treatment. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit the Defendant to the custody of the United States Bureau of Prisons for a term of imprisonment of six months, with no supervised release to follow. Judge Johnston further recommended that the Defendant serve his sentence in the Federal Correctional Institute in Herlong, California.

No objections were filed by either party. Judge Johnston's findings

and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 24 months, followed by 30 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of six months in custody, followed by no supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 168) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 5th day of January, 2017.



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Brian Morris  
United States District Court Judge